



## COMPETITION TRIBUNAL OF SOUTH AFRICA

**Case No: LM061Jun20/DSC029Jun21**

In the application to compel between:

**Competition Commission**

**Applicant**

and

**DH Brothers Industries (Pty) Ltd**

**First Respondent**

**Seaboard Corporation**

**Second Respondent**

**RussellStone Protein (Pty) Ltd**

**Third Respondent**

*In re:* the large merger between:

**Case No: LM061Jun20**

**DH Brothers Industries (Pty) Ltd**

**Acquiring firms**

**Seaboard Corporation**

and

**RussellStone Protein (Pty) Ltd**

**Target firm**

---

Panel:	Y Carrim (Presiding Member) A Wessels (Tribunal Member) H Cheadle (Tribunal Member)
Heard on:	23 June 2021
Last submission received on:	28 June 2021
Order issued on:	08 July 2021

---

### **Order**

---

Following the hearing of this application from the Commission, to compel discovery from the merging parties of documents listed in Annexure A of the Notice of Motion in its application for Further and Better Discovery filed on 7 June 2021, the Tribunal makes the following order:

1. It is recorded that the Commission will not pursue its request under items 1, 2, 3, 4, 7, and 8.
2. It is recorded that the documents sought by the Commission under item 11 have been provided by the Merging Parties and thus, the request is satisfied.
3. The Merging Parties must provide the Commission with the documents listed under item 5 by 16h00 on Wednesday, 14 July 2021; where no such documents exist, the Merging Parties must state this under oath.
4. The application in relation to the requests under items 6, 9, and 10 is dismissed.
5. There is no order as to costs.

---

**Ms Yasmin Carrim**

**Mr AW Wessels and Prof. H Cheadle concurring.**

---

**08 July 2021**

**Date**